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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,529	11/03/2000	Hisashi Maejima	501.20289RC6	5458

20457 7590 11/30/2001

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EXAMINER

PHAM, LONG

ART UNIT PAPER NUMBER

2823

DATE MAILED: 11/30/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action in Ex Parte R examination	Control N . 09/704,529	Patent Under Reexamination MAEJIMA ET AL.	
	Examiner Long Pham	Art Unit 2823	

-- Th MAILING DATE of this communication app ars n the cover sheet with the correspondence address --

- a ☐ Responsive to the communication(s) filed on _____. b ☐ This action is made FINAL.
c ☐ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 3 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892. 3. ☐ Interview Summary, PTO-474.
2. ☒ Information Disclosure Statement, PTO-1449. 4. ☐ _____.

Part II SUMMARY OF ACTION

- 1a. ☒ Claims 1,2 and 4-13 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1 and 4-13 are rejected.
5. ☒ Claims 2 are objected to.
6. ☐ The drawings, filed on _____ are acceptable:
7. ☐ The proposed drawing correction, filed on _____ has been (7a) ☐ approved (7b) ☐ disapproved.
8. ☒ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the certified copies have
1 ☐ been received.
2 ☐ not been received.
3 ☒ been filed in Application No. 07/783,920.
4 ☐ been filed in reexamination Control No. _____.
5 ☐ been received by the International Bureau in PCT application No. _____.
* See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. ☐ Other: _____

cc: Requester (if third party requester)

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by DD148,997.

DD '997 teaches a wafer for forming an integrated circuit thereon, the wafer comprising (see figure 1 and the English translation of DD '997):

a main surface on which an integrated circuit is to be formed;

a substantially circular contour portion surrounding said main surface;

a curved positioning notch 3,4,5,6 formed in said circular contour portion;

and

connecting portions defined between said circular contour portions and said curved positioning notch, wherein said connecting portions are chamfered in a plane parallel to said main surface.

3. Claims 4-13 are rejected under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two year statutory period. The addition of process claims 4-13 is considered as broadening of the invention because there were no process claims present in the original patent. The process claims 4-13 are directed to same subject matter as the non-elected claims of the original application and the applicant has failed to file a divisional application for the non-elected claims. See *In re Weiler, et al.* and *Ex parte Wikdahl*, 10 USPQ2d 1546 (Bd. Pat. App. and Int. 1989). A claim is broader in scope than the original claims if it

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contains within its scope any conceivable product or process which would have infringed the original patent. A claim is broadened if it is broader in any one respect even though it may be narrower in other respects.

Oath/Declaration

The oath is defective because all inventors must sign the oath. See MPEP 1410.01.

Allowable Subject Matter

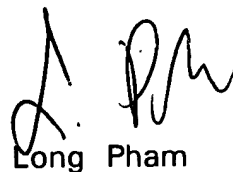
4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Long Pham whose telephone number is 703-308-1092. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 703-308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4082 for regular communications and 703-746-4082 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Long Pham

Primary Examiner

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L. P.

November 16, 2001